

Notice of Allowability

Application No.

10/766,727

Examiner

Nguyen T. Ha

Applicant(s)

GALLAY ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/15/2007.
2. ☒ The allowed claim(s) is/are 1-19 and 21-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

NGUYEN T. HA
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 1, 17, line 10, please add - - ; - - after "second electrode".

Claim 18, line 8, please add - - ; - - after "second electrode".

Claim 19, line 7, please add - - ; - - after "second electrode".

Response to Amendment

2. The examiner acknowledges the applicant's submission of the amendment dated 5/15/2007. At this point, claims 1, 17-19, 21, and 26 have been amended, claim 20 has been canceled. Thus, claims 1-19, and 21-29 are pending in the instant application.

Allowable Subject Matter

3. Claims 1-16, 17, and 18 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1, 17, and 18, the prior art alone or in combination does not teach the limitation of a housing comprising dimensions that conform to standardized battery dimension, and capacitor cell disposed in the housing, wherein a first electrode, a first current collector, a second electrode, a second current collector, and separator rolled together in a jelly-roll configuration in which the first current

collector extends in a first direction and the second current collector extends in a second direction opposite the first direction.

With respect to claims 19, the prior art alone or in combination does not teach the limitation of a capacitor comprising a first electrode, a first current collector, a second electrode, a second current collector, and separator rolled together in a jelly-roll configuration in which the first current collector extends in a first direction and the second current collector extends in a second direction opposite the first direction, and housing means for housing the double layer capacitor, wherein the housing means comprises a battery form factor sized housing.

With respect to claims 21-25, the prior art alone or in combination does not teach the limitation of a battery sized energy storage device comprising a standard battery sized housing, a jelly-roll electrode include a first collector extending in a first direction, and a second collector extending in a second opposite direction from the jelly-roll electrode, wherein the two collectors and the housing comprise substantially the same metal.

With respect to claims 26-29, the prior art alone or in combination does not teach the limitation of a cylindrical housing comprising standardized battery form factor dimension, the cylindrical housing comprising a first terminal on a first end of the cylindrical housing and a second terminal on the second end of the cylindrical housing opposite the first end of the cylindrical housing, and a first collector extending from a first side of the capacitor cell and electrically connected to the first terminal of the

cylindrical housing and a second collector extending from a second side of the capacitor cell opposite the first side.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation Relevant of Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hall (US 6,660,428) discloses metal oxide electrochemical cell filled with a highly conductive gas.
- b. Oweis et al. (US 6,328,769) disclose current collection through the ends of a spirally wound electrochemical cell.
- c. Dasgupta et al. (US 5,498,489) disclose rechargeable non-aqueous lithium battery.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Ha whose telephone number is 571-272-1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGUYEN T. HA
PRIMARY EXAMINER

NH
July 23, 2007